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**From:** Moutoux, Nicole [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=574B3A85014D46D3965B59700A04A55E-NMOUTOUX]  
**Sent:** 4/17/2017 4:08:21 PM  
**To:** Brush, Jason [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ade1a3282440ed5a333dcd77f2dfc4a-JBRUSH]; Johnson, Kathleen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d36de0cd8ee14ff6a6aa2f1df9b159f6-KJOHNS05]  
**CC:** Goforth, Kathleen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0821ccf0ea9e4c18a3d2a583158b713e-KGOFORTH]  
**Subject:** RE: Rosemont letter

Kathleen-

Let me know if you are going to respond to Rob or if you'd like me to.

Thanks

Nicole

*Nicole G. Moutoux*  
**Assistant Director**  
**Enforcement Division, ENF-4**  
[Moutoux.Nicole@epa.gov](mailto:Moutoux.Nicole@epa.gov)  
**Office: 415-972-3012**  
**Cell: 415-271-0701**

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**From:** Brush, Jason  
**Sent:** Monday, April 17, 2017 8:57 AM  
**To:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>  
**Cc:** Moutoux, Nicole <[Moutoux.Nicole@epa.gov](mailto:Moutoux.Nicole@epa.gov)>; Goforth, Kathleen <[Goforth.Kathleen@epa.gov](mailto:Goforth.Kathleen@epa.gov)>  
**Subject:** Re: Rosemont letter

No. I completely agree.

Sent from my iPhone

On Apr 17, 2017, at 8:42 AM, Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)> wrote:

As far as I know, we only know about the Gov's letter because others have seen it and not because it has been put in controlled correspondence for us to respond to. From your reading of the letter, is a response required?

Kathleen H. Johnson  
Director, Enforcement Division  
U.S. EPA - Region 9  
75 Hawthorne Street ENF-1  
San Francisco, CA 94015  
415/972-3873  
[johnson.kathleen@epa.gov](mailto:johnson.kathleen@epa.gov)

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**From:** Tomiak, Robert  
**Sent:** Saturday, April 15, 2017 3:24 AM

**To:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>

**Cc:** Moutoux, Nicole <[Moutoux.Nicole@epa.gov](mailto:Moutoux.Nicole@epa.gov)>; Goforth, Kathleen <[Goforth.Kathleen@epa.gov](mailto:Goforth.Kathleen@epa.gov)>; Suriano, Elaine <[Suriano.Elaine@epa.gov](mailto:Suriano.Elaine@epa.gov)>; Knight, Kelly <[knight.kelly@epa.gov](mailto:knight.kelly@epa.gov)>; Marshall, Tom <[marshall.tom@epa.gov](mailto:marshall.tom@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>; Brush, Jason <[Brush.Jason@epa.gov](mailto:Brush.Jason@epa.gov)>

**Subject:** Re: Rosemont letter

I appreciate the clarification. Just so I'm clear, Alexis is still providing an update to the political team, correct? Do you know who that goes to?

Second, you all are drafting a response to the letter. Is Alexis "responding on behalf of the Administrator" or providing a recommended response to OICR (or someone else) to staff at HQ?

Just want to ensure I understand and can support all the pieces.

Thanks, Rob

On Apr 14, 2017, at 7:38 PM, Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)> wrote:

Hey Rob,



We will get you copies of the letters you requested.

Thanks, and we will be in touch on this next week.

Kathleen H. Johnson  
Director, Enforcement Division  
U.S. EPA - Region 9  
75 Hawthorne Street ENF-1  
San Francisco, CA 94015  
415/972-3873  
[johnson.kathleen@epa.gov](mailto:johnson.kathleen@epa.gov)

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**From:** Tomiak, Robert

**Sent:** Friday, April 14, 2017 7:01 AM

**To:** Moutoux, Nicole <[Moutoux.Nicole@epa.gov](mailto:Moutoux.Nicole@epa.gov)>; Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>

**Cc:** Goforth, Kathleen <[Goforth.Kathleen@epa.gov](mailto:Goforth.Kathleen@epa.gov)>; Suriano, Elaine

<Suriano.Elaine@epa.gov>; Knight, Kelly <knight.kelly@epa.gov>; Marshall, Tom  
<marshall.tom@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Goodin, John  
<Goodin.John@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>  
**Subject:** RE: Rosemont letter

One point, one ask, and one recommendation:

## Deliberative Process / Ex. 5

Thanks, Rob

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**From:** Moutoux, Nicole  
**Sent:** Thursday, April 13, 2017 6:24 PM  
**To:** Tomiak, Robert <tomiak.robert@epa.gov>; Johnson, Kathleen  
<Johnson.Kathleen@epa.gov>  
**Cc:** Goforth, Kathleen <Goforth.Kathleen@epa.gov>; Suriano, Elaine  
<Suriano.Elaine@epa.gov>; Knight, Kelly <knight.kelly@epa.gov>; Marshall, Tom  
<marshall.tom@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Goodin, John  
<Goodin.John@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>  
**Subject:** Re: Rosemont letter

Hi Rob-

Per Kathleen's message below, here is the 1-pager on Rosemont that our  
Acting RA will send out later today.

Thanks  
Nicole

Nicole G. Moutoux  
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desk 415-972-3012  
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[Moutoux.Nicole@epa.gov](mailto:Moutoux.Nicole@epa.gov)

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**From:** Tomiak, Robert  
**Sent:** Wednesday, April 12, 2017 4:12:00 PM  
**To:** Johnson, Kathleen  
**Cc:** Moutoux, Nicole; Goforth, Kathleen; Suriano, Elaine; Knight, Kelly; Marshall, Tom;

Eisenberg, Mindy; Goodin, John; Brush, Jason

**Subject:** Re: Rosemont letter

Good plan; thanks! Rob

On Apr 12, 2017, at 6:46 PM, Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)> wrote:

I spoke with Alexis about this today. She puts together an email every Thursday and sends to the political team in Washington. She would like to provide the issue paper to the team through the mechanism of her Thursday email. FYI, yesterday, we hosted Ken Wagner, who is a newly installed political serving as a Regional Liaison to the Administrator. She gave Ken a heads up on this issue when he was here yesterday.

We had created a one-pager on this to put in a briefing book for our new (anticipated) RA. We can dust off that paper and add the latest info.

Kathleen H. Johnson  
Director, Enforcement Division  
U.S. EPA - Region 9  
75 Hawthorne Street ENF-1  
San Francisco, CA 94015  
415/972-3873  
[johnson.kathleen@epa.gov](mailto:johnson.kathleen@epa.gov)

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**From:** Tomiak, Robert  
**Sent:** Wednesday, April 12, 2017 4:17 AM  
**To:** Moutoux, Nicole <[Moutoux.Nicole@epa.gov](mailto:Moutoux.Nicole@epa.gov)>; Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>; Goforth, Kathleen <[Goforth.Kathleen@epa.gov](mailto:Goforth.Kathleen@epa.gov)>  
**Cc:** Suriano, Elaine <[Suriano.Elaine@epa.gov](mailto:Suriano.Elaine@epa.gov)>; Knight, Kelly <[knight.kelly@epa.gov](mailto:knight.kelly@epa.gov)>; Marshall, Tom <[marshall.tom@epa.gov](mailto:marshall.tom@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>  
**Subject:** Re: Rosemont letter

One follow up thought: would also appreciate your thoughts on who should forward an issue paper...OW, OECA, or R9....

Thanks, Rob

On Apr 12, 2017, at 7:12 AM, Tomiak, Robert <[tomiak.robert@epa.gov](mailto:tomiak.robert@epa.gov)> wrote:

Very helpful; I appreciate the update. Given the visibility, I think we need to provide a status update to Byron; perhaps a one page issue paper. I will vet whatever you all draft with OW here before anything is sent forward by either of us.

Thanks, Rob

On Apr 11, 2017, at 3:08 PM, Moutoux, Nicole  
<[Moutoux.Nicole@epa.gov](mailto:Moutoux.Nicole@epa.gov)> wrote:

Hello all

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

point. We appreciate your support and

will provide further updates after we meet with USACE and others next week.

Please feel free to call us with any questions or if you'd like more information.

Thanks

Nicole

*Nicole G. Moutoux*

**Assistant Director**

**Enforcement Division, ENF-4**

[Moutoux.Nicole@epa.gov](mailto:Moutoux.Nicole@epa.gov)

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**From:** Tomiak, Robert

**Sent:** Friday, April 07, 2017 5:18 AM

**To:** Moutoux, Nicole

<[Moutoux.Nicole@epa.gov](mailto:Moutoux.Nicole@epa.gov)>; Goforth, Kathleen <[Goforth.Kathleen@epa.gov](mailto:Goforth.Kathleen@epa.gov)>;

Suriano, Elaine

<[Suriano.Elaine@epa.gov](mailto:Suriano.Elaine@epa.gov)>

**Cc:** Knight, Kelly

<[knight.kelly@epa.gov](mailto:knight.kelly@epa.gov)>; Marshall, Tom

<[marshall.tom@epa.gov](mailto:marshall.tom@epa.gov)>; Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>

**Subject:** RE: Rosemont letter

**Deliberative Process / Ex. 5**

## Deliberative Process / Ex. 5

way ahead, that would also be helpful. I'll also look for you all to signal to me/Mindy that engagement with USACE HQ would be helpful.

Thanks, Rob

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**From:** Moutoux, Nicole  
**Sent:** Thursday, April 06, 2017 5:54 PM  
**To:** Tomiak, Robert  
<[tomiak.robert@epa.gov](mailto:tomiak.robert@epa.gov)>  
**Subject:** RE: Rosemont letter

Ok – please let me know a good time and number and we'll call you.

*Nicole G. Moutoux*  
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**From:** Tomiak, Robert  
**Sent:** Thursday, April 06, 2017 2:51 PM  
**To:** Moutoux, Nicole  
<[Moutoux.Nicole@epa.gov](mailto:Moutoux.Nicole@epa.gov)>  
**Cc:** Knight, Kelly  
<[knight.kelly@epa.gov](mailto:knight.kelly@epa.gov)>; Marshall, Tom  
<[marshall.tom@epa.gov](mailto:marshall.tom@epa.gov)>  
**Subject:** Re: Rosemont letter

I don't think Kelly will be in, but yes, let's discuss.

Rob

On Apr 6, 2017, at 5:46 PM, Moutoux, Nicole <[Moutoux.Nicole@epa.gov](mailto:Moutoux.Nicole@epa.gov)> wrote:

Hi Rob-  
Thanks for the conversation today. I know you are all are juggling a lot – I think it

helps for staff to hear  
the context. On  
another note, I'm  
checking in on  
Rosemont. We  
received a copy of a  
letter sent to  
Administrator Pruitt  
from AZ governor and  
there are few other  
things going on related  
to the project. Are you  
and Kelly available  
tomorrow to speak  
with me and Kathy  
Goforth.

Thanks  
Nicole

*Nicole G. Moutoux*  
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Enforcement  
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gov](mailto:Moutoux.Nicole@epa.gov)  
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